

SHARON DAVIS

Hon. Dennis M. Cavanaugh

ORDER

Civil Action No. 11-cv-6956 (DMC - JBC)

DENNIS M. CAVANAUGH, U.S.D.J.:

This matter comes before the Court upon a Report and Recommendation (“R & R”) (ECF No. 31) filed by Magistrate Judge James Clark (hereinafter, “Judge Clark”) on September 25, 2013 recommending that this Court grant Plaintiff’s motion to voluntarily dismiss complaint without prejudice pursuant to Fed. R. Civ. P. 41(a); and Defendants Chase Home Finance, LLC and JP Morgan Chase Bank, N.A. (“Defendants”) having indicated that they would consent to a dismissal *with* prejudice; and the Court having reviewed the Report and Recommendation filed September 25 by Judge Clark; and

The parties were given notice that pursuant to Local Civil Rule 72.1, they had fourteen days from receipt of the R & R to file and serve any objections, and no opposition having been filed.

In conducting its review, the Court “may consider the record developed before the Magistrate Judge, making [its] own determination on the basis of that record.” See also, N.J.

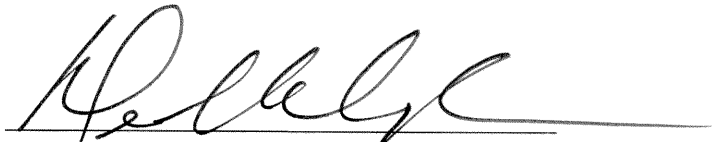
Brain & Spine Cntr. v. Conn. Gen. Life Ins., No. 10-cv-4260, 2011 WL 4737063, at *2 (Oct. 6, 2011) (citing State Farm Indem. v. Fornaro, 227 F.Supp.2d 229, 231 (D.N.J.2002)). For the reasons stated herein, this Court **adopts** Judge Clark's R & R as the opinion of the Court.

WHEREAS Judge Clark finds that Plaintiff's complaint should be dismissed without prejudice, as he felt the case did not progress long enough to warrant a dismissal with prejudice,

IT IS on this 25 day of October, 2013,

ORDERED that Plaintiff's oral motion of September 20, 2013 to voluntarily dismiss the complaint without prejudice is **granted**; and

IT IS FURTHER ORDERED that Judge Clark's R & R is hereby **adopted** as the opinion of this Court.


DENNIS M. CAVANAUGH, U.S.D.J.